

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 1/11/10. Claims 1-20 have been amended.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Dahod et al. (US 2004/0224678).

Regarding claim 1, Dahod teaches a method for establishing a connection between a mobile radio user initiating the establishment of the connection (originating sender) and further mobile radio users of a group of mobile radio users (group of recipients) via at least one mobile radio network (figure 1), with useful data (voice signal) to be transmitted between the mobile radio user initiating establishment of the connection and further members of the group also being transmitted in addition to signaling data (request signal) via a first channel on establishment of the connection

Art Unit: 2617

(channel between the IMG and originating sender established with the request signal), until a second channel (connection with the recipients) is also established for the connection, whereupon the useful data (voice signal) is transmitted via the second channel (the IMG relays the voice signal once connection with the recipients have been established) (paragraphs 28, 29; When the originating sender initiates the communication by sending a request signal, or signaling data, the IMG promptly receives the voice signal, or useful data object, to be sent to the recipients, thus teaching that the useful data object is sent with the signaling data. Then when a communication link, or second channel, is established between the IMG and the recipients, the stored voice signal is relayed to the recipients, thus teaching that a second channel is also established for which the useful data is sent.)

Regarding claim 2, Dahod teaches the channel used for the transmission of signaling data is a PDP context (IP) (paragraphs 23, 24).

Regarding claim 3, Dahod teaches the second channel is a further PDP context (IP) (paragraphs 23, 24).

Regarding claim 4, Dahod teaches the first channel used for the transmission of signaling data and/or the second channel transmit(s) useful data in a packet-switched manner (figure 1).

Regarding claim 5, Dahod teaches the mobile radio network is a cellular mobile radio network (figure 1).

Art Unit: 2617

Regarding claim 6, Dahod teaches the connection is established for mobile radio network services, requiring the fastest possible availability of useful data transmission (paragraph 28).

Regarding claim 7, Dahod teaches the initiation of the establishment of the connection takes place on detection of an input at a mobile radio terminal of a mobile radio user (paragraph 32).

Regarding claim 8, Dahod teaches the first channel used for the transmission of signaling data runs from a mobile station of the mobile radio user initiating establishment of the connection to a switching center of a mobile radio network (paragraphs 26, 28; request message is sent to IMG which may include the MSC).

Regarding claim 9, Dahod teaches the channel used for the transmission of signaling data runs from a mobile station via an SGSN and/or a GGSN (IMG) (paragraph 25).

Regarding claim 10, Dahod teaches the mobile radio users participating in the service are stored in a mobile radio network and/or a mobile radio terminal (paragraphs 37, 38).

Regarding claim 11, Dahod teaches the connection is established such that useful data from every member of the group is transmitted to individual or all other members of the service (paragraph 29).

Regarding claim 12, Dahod teaches the useful data is transmitted between every member of the group and a mobile radio network first via a first channel used for the transmission of signaling data (connection established when request message is sent)

Art Unit: 2617

and then via another channel (channels established with recipients), which could provide better transmission quality (paragraphs 28, 29).

Regarding claim 13, Dahod teaches the first and/or second channel is/are a useful data channel (paragraphs 28, 29; both channels are capable of transporting the voice signal).

Regarding claim 14, Dahod teaches that once a second channel is established (communication link with recipients), the useful data, e.g. voice data, is sent via the second channel (paragraph 29).

Regarding claim 15, Dahod teaches the useful data is or contains voice data and/or streaming video data and/or data for interactive applications (paragraph 28).

Regarding claim 16, the limitations are rejected as applied to claim 1.

Regarding claim 17, Dahod teaches a controller, which is configured such that when a connection is established between the mobile radio terminal and one or more mobile radio users of a group, it first transmits voice data for example to a mobile radio network via a first channel also used for the transmission of signaling data (connection established when request message is sent), and once a second channel is established (reception of the response signal that the system is ready to receive the voice message), sends the voice data via the second channel (paragraph 28).

Regarding claim 18, Dahod teaches that once a second channel is established, it sends the voice data via the second channel (paragraph 28).

Regarding claim 19, Dahod teaches that once a second channel is established, it can only send voice data via the second channel (paragraph 28).

Response to Arguments

3. Applicant's arguments filed 1/11/10 have been fully considered but they are not persuasive.

Applicant submits that Dahod does not disclose that useful data are to be transmitted between the mobile radio user initiating establishment of the connection and further members of the group although being transmitted in addition to signaling data via a first channel on establishment of the connection until second channel is also established for the connection whereupon the useful data is transmitted via the second channel. The Examiner respectfully disagrees. Dahod teaches an originating sender sends a request signal for a half-duplex communication link to an IMG. Upon receiving the sender's request signal, the IMG returns a response signal to the sender's wireless device indicating that the system is ready to accept a voice message from the wireless device (paragraph 28). The initial connection with the sender and IMG equates to the "first channel" because it 1) initiates establishment of a connection to further members 2) signaling data (sender's request) is communicated and 3) useful data (voice message) is communicated. Dahod further teaches that while the IMG collects the voice message from the sender, the IMG starts making a real-time link to the recipient or group of recipients. Once the connection is established, the stored voice signal is relayed to the recipient(s) (paragraph 29). The connection between the sender and recipient through the IMG equates to the "second channel" because useful data is transmitted on this channel. The Examiner takes the position that the "first channel" is

Art Unit: 2617

rendered by the link between the sender and IMG and the "second channel" is rendered by the link between the sender and the recipient(s) through the IMG, thus rendering a channel to initiate/setup communication and a channel to conduct communication. Accordingly for these reasons, the grounds of rejection have been maintained from the previous office action.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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